



BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

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COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF  
COMM SOUTH COMPANIES, INC. FOR THE  
CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. T-03466A-06-0275

DECISION NO. 69890

ORDER

Open Meeting  
August 21 and 22, 2007  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On November 19, 1999, in Decision No. 62085, the Commission granted to Comm South Companies, Inc. ("Applicant") a Certificate of Convenience and Necessity ("Certificate") authorizing it to provide competitive resold local exchange services.

2. On March 30, 2001, in Decision No. 63542, the Commission granted Applicant a Certificate to provide resold interexchange telecommunications service and ordered Applicant to file a surety bond of \$50,000.

3. On April 26, 2006, Applicant filed with the Commission an application to cancel its Certificate(s) for the provision of resold local exchange and resold interexchange services. The application stated that Applicant has ceased operations and has no telecommunication customers or subscribers in the State of Arizona.<sup>1</sup>

<sup>1</sup> Attached to the Application were two letters dated December 14, 2005 and February 1, 2006, which had been mailed earlier to the Commission. The December 14, 2005, letter stated that Applicant was operating under a Chapter 7

4. On May 2, 2006, Staff attempted to call Applicant's Director of Regulatory Affairs, Ms. Sheri Pringle. Staff was informed that she had left her employment and that Ms. Marla C. Reynolds, a C.P.A. with Lain, Faulkner & Co., P.C., is the Court Appointed Chapter 7 Trustee.

5. On May 3, 2006, Applicant filed a copy of its legal notice that appeared in the *Arizona Republic* concerning its application to cancel its Certificate(s).

6. On June 29, 2007, the Commission's Utilities Division ("Staff") filed a Staff Report in this matter.

7. In the Staff Report, Staff indicated that there are no outstanding complaints against Applicant and verified that Applicant does not service any Arizona customers and is no longer doing business in Arizona. Staff stated that Applicant is not holding any prepayments, deposits, or advances and no customers in Arizona would be at risk by the cancellation of Applicant's Certificate(s). In addition, Staff stated that there are numerous other carriers offering services similar to Applicant's in Arizona.

8. Staff recommended that Applicant's application be approved without a hearing.

#### CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate(s) is in the public interest.

4. Pursuant to A.R.S. § 40-282, the Commission may grant the application without a hearing.

5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be adopted.

bankruptcy proceeding and was in the process of liquidating its business and its assets, including the discontinuance of its telecommunications service. Also attached to this letter was a copy of a notice dated September 9, 2005, that was mailed to Applicant's 57 residential customers informing them that residential service would be discontinued in 30 days on October 9, 2005, and also included a list of alternate providers. The February 1, 2006, letter from Applicant indicated that it had published legal notice of its application in the *Arizona Republic* newspaper.

ORDER

IT IS THEREFORE ORDERED that the application of Comm South Companies, Inc. for the cancellation of its Certificate(s) of Convenience and Necessity to provide competitive resold local exchange and resold interchange services is hereby approved.

IT IS FURTHER ORDERED that Comm South Companies, Inc. is no longer authorized to provide resold local exchange and resold long distance services in Arizona.

IT IS FURTHER ORDERED that the tariffs of Comm South Companies, Inc. on file with the Commission are hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 28 day of August, 2007.

  
DEAN S. MILLER  
INTERIM EXECUTIVE DIRECTOR

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_  
MES:db

1 SERVICE LIST FOR:

COMM SOUTH COMPANIES, INC.

2 DOCKET NO.:

T-03466A-06-0275

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4 Marla C. Reynolds, C.P.A.  
Lain, Faulker & Co., P.C.  
400 North St. Paul, Suite 600  
5 Dallas, TX 75201

6 Christopher Kempley, Chief Counsel  
Legal Division  
7 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
8 Phoenix, AZ 85007

9 Ernest G. Johnson, Director  
Utilities Division  
10 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
11 Phoenix, AZ 85007